

# How to ask for custody of a child that is not yours and the parent(s) of child do not agree

## Talk to a lawyer if you can

These instructions are legal *information*, not legal *advice*. It's a good idea to talk to a lawyer before you file any forms. If you cannot afford a lawyer, you can:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case. You can contact the King County Bar Association to ask for a referral.
- Ask the Family Law Facilitator's office for a Legal Resource List detailing low-cost and free legal resources.

## Step 1: Fill out these forms:

These forms can be downloaded at: [www.kingcounty.gov/courts/scforms.aspx](http://www.kingcounty.gov/courts/scforms.aspx)

Form Name	Form Number	Notes	Completed
Case Information Cover Sheet			<input type="checkbox"/>
Confidential Information Form	DRPSCU 09.0200		<input type="checkbox"/>
Addendum to Confidential Information Form	DRPSCU 09.0210		<input type="checkbox"/>

These forms can be downloaded at: [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)

Form Name	Form Number	Notes	Completed
Order Directing DCFS/CPS to Release Information and Order Restricting Access	CU 03.0500	This form orders the Dept. of Children and Family Services to give the Court any information they have about everyone living in your home. See Step 3	<input type="checkbox"/>
Cover Sheet DCFS/CPS Investigative Information	CU 03.0520	One for each adult in the Petitioner's household	<input type="checkbox"/>
Cover Sheet for Authorization to Release Information to the Court	CU 03.0540		<input type="checkbox"/>
Authorization to Release Information to the Court	DSHS 09.966	Each member of the Petitioner's household who is 16 years of age or older needs to sign one Authorization	<input type="checkbox"/>

## Step 2: Fill out these forms:

Form Name	Form Number	Notes	Completed
Summons for Nonparental Custody	CU 01.0200		<input type="checkbox"/>
Nonparental Custody Petition	CU 01.0100		<input type="checkbox"/>
Residential Schedule ( <b>Optional</b> )	CU 01.0450	A Residential Schedule is not required. Parties may choose to include visitation arrangements in the Nonparental Custody Petition form	<input type="checkbox"/>
Notice Re Dependent of Person in Military Service	CU 01.0185		<input type="checkbox"/>

## Schedule your Adequate Cause Hearing

You must have a special hearing, called an "Adequate Cause Hearing." At that hearing, a Commissioner will decide if your case can move forward, or not.

Fill out the forms listed below to schedule for an Adequate Cause hearing:

Petitioner's Notice of Hearing for Adequate Cause Determination (Nonparental Custody)	CU 02.0300	See information below on how to choose a hearing date	<input type="checkbox"/>
Declaration	DRPSCU 01.0100		<input type="checkbox"/>
Order re Adequate Cause (Nonparental Custody)	CU 02.0400	Fill this out the way you would like the Commissioner to decide	<input type="checkbox"/>

- **Choose a court date:** To do this, first decide how other parties will be served.

If served <b>in person in Washington</b> state, your date must be at least <b>20 days</b> from the date of service
If served <b>in person outside of Washington</b> state or by publication (because of a court order), your date must be at least <b>60 days</b> from date the of service
If served <b>by mail</b> because of a court order, your date must be at least <b>90 days</b> from the date of service

- **Time:** All Adequate Cause hearings are at 1:30pm, every weekday (except Tuesdays if your case is in Kent)
- **Place:** Seattle Courthouse, 516 3<sup>rd</sup> Ave, Seattle WA 98104 (Seattle cases)  
Maleng Regional Justice Center, 401 4<sup>th</sup> Ave N, Kent, WA 98032 (Kent cases)
- **Room:** W-291 (Seattle cases)  
1F (Kent cases)

**Fill out these forms if you are asking for a temporary custody order at the Adequate Cause hearing:**

Motion and Declaration for Temporary Nonparental Custody Order	CU 03.0100		<input type="checkbox"/>
Temporary Custody Order (Nonparental Custody)	CU 03.0200	Fill this out the way you would like the Commissioner to decide	<input type="checkbox"/>

**Fill out these forms if you are asking for a temporary child support order at the Adequate Cause hearing:**

Child Support Worksheets	WSCSS-Worksheets		<input type="checkbox"/>
Child Support Schedule & Instructions	Use this information to calculate Child Support Worksheets. Online Child Support Calculation software is available at <a href="https://fortress.wa.gov/dshs/csips/ssgen/">https://fortress.wa.gov/dshs/csips/ssgen/</a>		
Nonparental Custody Order of Child Support	CU 01.0500	Fill this out the way that you would like the Commissioner to decide. 1 for each parent	<input type="checkbox"/>
Financial Declaration	DRPSCU 01.1550		<input type="checkbox"/>

**Fill out these forms if the child is – or might be – a member of an Indian tribe:**

Indian Child Welfare Act Notice	CU 01.0250	If the child is, or may be, a member of an Indian tribe, send this <i>Notice</i> to the Department of the Interior, Bureau of Indian Affairs	<input type="checkbox"/>
Proof of Mailing	CU 01.0255		<input type="checkbox"/>

## How many copies do I need?



- **Originals:** File with the Clerk's office (**forms in Steps 1 & 2**)
- Copy **1** is for your records (**forms in Steps 1 & 2**)
- Copy **2** is to serve the mother (**forms in Step 2 only**)
- Copy **3** is to serve the father (**forms in Step 2 only**)
- Copy **4** will go to the Commissioner (**forms in Step 2 only**)
- Make a **5th** copy of forms from **Step 2** if the child(ren) have ever received public assistance, or you are uncertain as to whether or not they have ever received public assistance. You must deliver copies of forms to the King County Prosecuting Attorney's Office, Family Support Division.

**Note:** You will also have to serve anybody that claim to have custody of the child.

### Step 3: Take your completed forms to the Clerk's Office and pay a fee

**The Clerk will ask you to pay a filing fee.** If you cannot afford to pay the fee, ask for an application to let you file for free. This application is called a *Motion and Declaration for Waiver of Civil Filing Fees and Surcharges (Kent or Seattle)*.

The Clerk will also ask you to pay the Ex-Parte via the Clerk processing fee to have an **Order Directing DCFS/CPS to Release Information and Order Restricting Access** presented to the Commissioner on your behalf. After the order is signed the Clerk will automatically file the original and return a copy of the order to you via the method you requested.

When you file your forms, the Clerk will give you two copies of your *Case Schedule*. Each party will need to be served with one copy. Keep one copy for your records and follow the deadlines that are listed in the Case Schedule.

### Step 4: Deliver Commissioner's copy for Adequate Cause hearing

The Commissioner's copy is a set of all forms in **Step 2** including the proposed orders that you would like the court to sign at your hearing. Take this copy to the Family Law window and turn it in at least **3 court days by 12 noon** before your hearing.

Copy the words below in the upper right hand corner on the first page only of the set of forms you are delivering to the Commissioner:

**Commissioner's Working Papers**

**Family Law Motions**

Hearing Date: \_\_\_\_\_

Hearing Time: \_\_\_\_\_

Presented By: (your name): \_\_\_\_\_

## Step 5: Serve child's parents (and anyone else who claims to have custody of this child).

**You must have other parties served with *copies* of:**

- The Case Schedule that the Clerk gave you when you filed, **and**
- All of the forms in Step 2

### How to serve

Someone over the age of 18 – **not you** - must serve (give) the other party copies of your court papers. After serving, the server fills out a ***Return of Service, CU 01.0250*** form and gives it to you. Keep a copy for your own records and file the original with the Clerk's Office.

You will also fill out and file the ***Declaration Regarding Personal Service Outside of the State of Washington, CU 01.0180*** form if any party is served outside the state of Washington.

If you have questions about serving, read the Facilitator's instruction packet S-1.

## Step 6: Confirm your Adequate Cause hearing



**Your hearing will be cancelled if you don't confirm your hearing and deliver the copies to the Commissioner on time.**

**You can confirm by phone, in person, or online. Here is how:**

Call or in person  206-477-1523 (Seattle) Room W-292  206-477-2750 (Kent) Room A1222	<b>3 court days</b> before your hearing between <b>2:30pm</b> and <b>4:15pm.</b> <b>or</b> <b>2 court days</b> before your hearing between <b>8:30am</b> and <b>noon.</b>  When you call, give your case number, date, and time of hearing. The Clerk will give you a confirmation number.
Online:  <b><a href="https://confirm.kingcounty.gov/">https://confirm.kingcounty.gov/</a></b>	You can confirm your hearing online starting at:  <b>Noon 3 court days</b> before the hearing until <b>noon of the 2<sup>nd</sup> court day</b> before your hearing.  You must give your email address, phone number, and information to identify your case. If you do not get a confirmation email, you must contact the confirmation phone number above before the deadline.

## Step 7: Go to your Adequate Cause hearing

- Arrive at least 30 minutes early! You will need time to go through security.
- Go to the Family Law window at the courthouse to check in.
- Take your original orders and all copies of the forms you filed.
- You must give the Court your original orders if asked. If you want copies of the signed orders the day of your hearing, tell the Clerk.

## Step 8: File Washington State Patrol criminal history records with the Clerk's Office

Criminal History Record Cover Sheet	CU 03.550	Attach criminal history records to this coversheet.	<input type="checkbox"/>
Criminal History Record	Obtain online for \$10 for each request at: <a href="http://watch.wsp.wa.gov/">http://watch.wsp.wa.gov/</a> <b>or</b> By mail for \$35 for each request by filling out a Request for Conviction Criminal History Record form and send the completed form with a check or money order to: Washington State Patrol Identification and Criminal History Section P.O. Box 42633 Olympia, WA 98504-2633		

## Step 9: Go to a Parenting Class

You **must** go to a parenting seminar called “*What About the Children*”. You must complete the class by the deadline listed on your *Case Schedule*.

Go to Family Court Services to find out the cost and how to sign up.

## Step 10: Follow your Case Schedule

The next step is to wait to see if other parties file a Response.

You must wait:

<b>20 days</b>	If the other party was served in person in Washington state.
<b>60 days</b>	If the other party was served in person outside of Washington state, or by publication because of a court order.
<b>90 days</b>	If the other party was served by mail because of a court order.

If other parties **DO serve and file a Response**, follow your Case Schedule. Your trial will be in about 11 months. Follow **Step 2** on how to schedule for an Adequate Cause hearing if you have not done so, this is part of the deadlines on your Case Schedule.

If other parties **DO NOT serve and file a Response** by the deadline you can finish your case by default. Ask the Family Law Facilitator how to finish by default or agreement.

## Step 11: Go to the Case Review Hearing

The date, time, and place for this hearing are listed on your *Case Schedule*. You and all other Petitioners must go to this hearing. The court may dismiss your case if you fail to follow your Case Schedule and fail to appear at this hearing. You can request to have your final documents be granted at this hearing if all parties agreed.

## Step 12: Try to reach an agreement

You must participate in *Alternative Dispute Resolution (ADR)*, you and the parent(s) must try to reach an agreement with the help of a professional, such as an attorney or social worker. The *Legal Resource List* available in the Facilitator's office contains information on programs that offer *Alternative Dispute Resolution*. You must attempt ADR before the deadline in your *Case Schedule*.

**Step 13: Get ready for your trial.**

If you and the other parties cannot come to an agreement about your case you will have a trial before a Judge.

**You will need these forms:**

Findings of Fact and Conclusions of Law (Nonparental Custody)	CU 02.0100		<input type="checkbox"/>
Nonparental Custody Decree	CU 02.0200		<input type="checkbox"/>
Residential Schedule (Optional)	CU 01.450	A Residential Schedule is not required. Parties may choose to include visitation arrangements in the Nonparental Custody Decree form	<input type="checkbox"/>

**Also fill out these forms if you are asking for child support:**

Child Support Worksheets (CSW)	WSCSS-Worksheets		<input type="checkbox"/>
Nonparental Custody Order of Child Support	CU 01.500	One order for each parent who must pay support	<input type="checkbox"/>
Financial Declaration	DRPSCU 01.1550		<input type="checkbox"/>

**You may also need this form:**

Law Enforcement Information Sheet	WPF All Cases 01.0400		<input type="checkbox"/>
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